

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF ALABAMA SOUTHERN DIVISION**

**DAVID MILLAN.** )  
Plaintiff, )  
 )  
v. ) 2:19-CV-01131-ACA  
 )  
**EL POBLANO MEXICAN** )  
**RESTAURANT, INC., et al.,** )  
Defendants. )

**PARTIES' JOINT STATUS REPORT**

COMES NOW, the Plaintiff, David Millan, and the Defendants, El Poblano Mexican Restaurant, Inc., and Fidel Castro, by and through their undersigned counsel and report to this Honorable Court the following:

1. This is an action filed under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et. seq.* (hereinafter the “Fair Labor Standards Act” or “FLSA”).
2. The Plaintiff claims he is owed payment for overtime worked that he was deprived of while working for Defendants.
3. The Defendants deny the Plaintiff was deprived of overtime and deny he is owed payment.
4. Plaintiff claims the relevant period is July 18, 2016 through July 18, 2019.
5. Defendants claim the relevant period is July 18, 2017 through November 3, 2018. The relevant period begins two years before the filing of the

Complaint (Doc. 1) on July 18, 2019, that beginning date being July 18 in the year 2017, which is the date before which the statute of limitations bars claims. Defendants deny a willful violation that would extend the statute to three years. Defendants claim the relevant period ended on Sunday, November 3, 2018 when Millan quit his job and last worked, although he was paid as if he worked through Sunday, November 11, 2018.

6. There are other disputes of fact and law.
7. This case is set for trial in March of 2021.
8. Per the Scheduling Order (Doc. 15) the parties must commence all discovery in time to complete discovery by May 28, 2020.
9. Plaintiff propounded Plaintiff's First Consolidated Discovery Requests to Defendants on December 31, 2019.
10. Defendants served Defendant's Second Corrected Response to Plaintiff's First Consolidated Discovery Requests on April 15, 2020.
11. Defendants propounded First Discovery to Plaintiff on April 15, 2020. A response is not yet due.
12. Plaintiff took a deposition by Zoom video of Defendant Castro, in his individual capacity and as a corporate representative for El Poblano Mexican Restaurant, on April 22, 2020.
13. Defendants gave notice on April 27, 2020 for a non-video deposition of

Plaintiff on May 21, 2020.

14. The parties have engaged in meaningful negotiations without result.

15. The parties do not object to mediation.

**Filed:** April 28, 2020.

Respectfully submitted,

/s/Lewis Page

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